IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11221 of 2005

Between:

1. Sreedharala Jogarao, S/o Lakshmi Narayana,

R/o D.No.12-1-110(1), Main Road, Anakapalli,

Visakhapatnam District.

2. Korukonda Naga Venkata Sudhakar S/o Buchiraju,

R/o D.No.11-1-36, Main Road, Anakapalli,

Visakhapatnam District.

3. Kothuri Koteswararao S/o Lakshmana, R/o D.No.11-1-26,

Main Road, Anakapalli, Visakhapatnam District.

4. Bondada Satyanaranandam, S/o Veerabhadra Swamy,

R/o D.No.7-7-15(2), Main Road, Anakapalli,

Visakhapatnam District.

5. Pentakota Varaha Shantarao, S/o Late Jeggarao,

R/o D.No. 11-1-49 (1), Main Road, Anakapalli Main Road,

Visakhapatnam District.

6. Kancharla Nooka Raju, S/o Ramanayya,

R/o D.No.12-10-8, Main Road, Anakapalli, Visakhapatnam

District.

7. Kolati Nageswararao, S/o Narayana Murthy, R/o D.No.

12-1/86, Main Road, Anakappli, Visakhapatnam District.

8. Padala Apparao S/o Venkataramana, R/o D.No.13-1-61, Main Road, Anakapalli, Visakhapatnam District.

9. Chitarala Ramu, S/o Gurunadham, R/o D.No.12-1-113, Main Road, Anakapalli, Visakhapatnam District.

10. Koyalada Sankara Raom, S/o Venkataramana, R/o D.No.14-7-1/2, Main road, Anakapalli, Visakhapatnam Dsitrcit.

11. Kolati Nageswararao, S/o Narayana Murthy, R/o D.No.12-1-86/1, Main Road, Anakapalli, Visakhapatnam Distrcit.

12. Patnala Venkata Chari, S/o Venkataratnam, R/o Assmt No.7032/12, Opp. Gayramma Temple, Main Road, Anakapalli, Visakhapatnam District.

13. Gaganam Trimurthy, S/o Sambasivarao, R/o D.No.13-1-35, Main Road, Anakapalli, Visakhapatnam District.

14. Doddi Varahalamma, W/o Venkataramana, R/o D.No.13-1-50, Main Road, Anakaplli, Visakhapatnam District.

15. Duryodan Devakar /o Jagannada Devakar, R/o 10-13-18, Main Road, Anakapalli, Visakhapatnam District.

16. Varada Varahalu, W/o Ramamurthy, R/o D.No.13-1-36, Main Road, Anakapalli, Visakhapatnam District.

17. Piratla China Nageswararao, S/o Late Narasimhamurthy, R/o D.No.10-17-1, Main Road, Anakapalli, Visakhapatnam District.

18. Vuppala Annaji Rao S/o Late Jaggarao, R/o D.No.12-1-115, Main Road, Anakapalli, Visakhapatnam District.

19. Aanakapalli Apalaraju, S/o Appala Raju, R/o D.No.10-13-35, Main Raod, Anakapalli, Visakhpatnam District.

20. Kodregula Satyanarayana S/o Sanyasi, R/o D.No.7-8-30, Main Road, Anakapalli, Visakhapatnam District.

21. Korukonda Manikyam, W/o Brahmanandam, R/o D.No.10-13-18, Main Road, Anakapalli, Visakhapatnam District.

22. Boggarapu Ramurthy Setty, S/o Aappala Raju, R/o D.No.11-1-42, Main Road, Anakapalli, Visakhpatnam District.

23. Kamadenu Pydemma W/o Adinarayana, R/o D.No.13-1-63, Main Road, Anakapalli, Visakhapatnam district.

24. Vuppala Nookayya Setty S/o Venkataramana, R/o D.No.12-1-83/1, Main Road, Anakapalli, Visakhpatnam district.

25. Vuppala Prablamba W/o V.N. Setty, R/o D.No.12-1-83/1, Main Road, Anakapalli, Visakhpatnam District.

26. Kadimisetty Surya Prakasharao S/o Atchutaramaiah, R/o D.No.11-1-49, Main Road, Anakapalli, Visakhapatnam District.

27. K.N.R. Prasad, S/o Appalanaidu, R/o D.No.10-13-12, Main Road, Anakapalli, Visakhpatnam District.

..... PETITIONERS

AND

Anakapalli Municipality, Rep. by its Commissioner, Anakapalli, Visakhpatnam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ and direct the respondent to act in accordance with law and forbear from demolishing any part of the houses of the petitioners bearing premises D.Nos. 12-1-110(1), 11-1-36, 11-1-26, 7-7-15(2), 11-1-49(1), 12-10-8, 12-1-86, 13-1-61, 12-1-13, 14-7-1/2, 12-1-86/1, Assmt.No.7032/12, 13-1-35, 13-1-50, 10-13-18, 13-1-36, 10-17-1, 12-1-115, 10-13-35, 7-8-13, 10-13-18, 11-1-42, 13-1-63, 12-1-83/1, 12-1-83/1, 11-1-49, 10-13-12, situated at Main Road, Anakapalle, Visakhapatnam District, without acquiring the same under the provisions of the Land Acquisition Act and in violation of Section 172 of the Andhra Pradesh. Municipalities Act, 1965 for the allege purpose of widening of the existing 30' wide road connecting Main Road, Anakapalle and grant such other relief as it deems fit in the circumstances of the case.

For the Petitioners: MR. G.L. NAGESWARARAO.

For the Respondent : MR. S.NAGESWARA REDDY.

The Court Made the Following

ORAL ORDER:

1. Petitioners are all residents of Main Road, Anakapalle, who claimed to be the owners of properties situated on the main road. They are aggrieved by notices dated 05.05.2005 issued by the respondent – Municipality calling upon them to remove the structures in their properties falling within the alignment of the 80' wide Master Plan Road for facilitating road widening which is proposed, within seven days from the date of receipt of the notices. The impugned notices state that while obtaining permission for the buildings in the premises, each of the petitioners had given an undertaking and Gift Deed on Rs.100=00 Non-Judicial Stamp Paper to the Municipality undertaking to handover the extents specified in each of the impugned notices, free of cost for the purpose of enabling formation of the Master Plan Road.

2. The petitioners specifically state that they have no knowledge about any such undertaking having been given by them.

3. In the aforesaid circumstances, the respondent – Municipality is directed to issue to each of the petitioners a xerox copy of the undertaking given by them undertaking to gift the specific extent of property. The respondent – Municipality may take appropriate action seven days after the service of copies of the undertaking, to each of the petitioners. On the furnishing of the copy of the undertaking to them by the respondent, the petitioners are at liberty to pursue their appropriate remedies before the jurisdictional Civil Court. Learned counsel for the Anakapalle Municipality undertakes to inform the Municipality about this order.

4. With the directions as above, writ petition stands disposed of. No costs.

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GODA RAGHURAM. J.,

Dated: 12.05.2005.

VRK.

Note:

Copy to be furnished within two days.

(BO)

Copy to:

1. The Commissioner, Anakapalli Municipality, Anakapalli, Visakhpatnam District.

2. Two CCs to Mr. S.Nageswara Reddy, Standing Counsek, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.